

88



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/052,067

01/18/2002

Ron Karim

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EXAMINER

CLARK, ISAAC R

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/052,067	Applicant(s) KARIM, RON	
	Examiner Isaac R Clark	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 are presented for examination.

Priority

2. The effective filing date for the subject matter in the pending claims in this application is 01/18/2002.

Drawings

3. The Examiner contends that the drawings submitted on 01/18/2002 are acceptable for examination proceedings.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As per claim 9, claim 9 contains the limitation, "the first and second continuous broadcast loops". There is insufficient antecedent basis for this limitation in the claim. For the purpose of examining claim 9, "the first and second continuous broadcast loops" is assumed to refer to the broadcast loop introduced in claim 1.

7. As per claim 19, claim 19 contains the limitation, "the second continuous broadcast loop". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-5, 7, 8, 10-15, 17, 18, and 20-23 rejected under 35 U.S.C. 102(e) as being anticipated by McTernan et al. (US Published Application 2001/0034788, hereinafter McTernan).

10. As per claim 1, McTernan discloses a method in a data processing system for fulfilling data requests, the method comprising: receiving a data request from a client data processing device (Paragraph 0033; receive requests from client connected to a network); determining whether the requested data is transmitted via a first continuous broadcast loop (Paragraph 0032; determine if server is multicasting the content; if so request translated to a subscription), wherein the first continuous broadcast loop includes one or more data points continuously transmitted in order from a start data point to an end data point (Paragraph 0037; packets transmitted in loop, retransmitting starting from first packet after final packet); retrieving the requested data, wherein if the requested data is transmitted via a first continuous broadcast loop, retrieving the requested data comprises opening a use connection to the first continuous broadcast loop; receiving a complete data transmission from the first continuous broadcast loop; closing the use connection to the first continuous broadcast loop (Paragraph 0038); and

transmitting the requested data to the client data processing device (Paragraph 0039; packets stored in buffer; Paragraph 0044; packets reassembled and provided to client software application).

11. As per claim 2, McTernan discloses the method of claim 1, wherein the complete data transmission comprises data transmitted through the use connection between a first transmission of a first data point on the first continuous broadcast loop and a second transmission of the first data point, and the first data point may comprise a data point other than the start data point on the first continuous broadcast loop (Fig. 4, Paragraph 0051).

12. As per claim 3, McTernan discloses the method of claim 2, wherein the first data point comprises a marker (Paragraph 0051: first data packet placed in an index).

13. As per claim 4, McTernan discloses the method of claim 2, further comprising: storing the first data point; retrieving one or more data points from the continuous broadcast loop, wherein each data point received is compared to the stored first data point; and closing the use connection when the received data point matches the stored first data point (Paragraph 0051).

14. As per claim 5, McTernan discloses the method of claim 4, further comprising arranging the retrieved data points in order from the start data point to the end data point (Paragraph 0051: concatenate the packets into duplicate of data on server).

15. As per claim 7, McTernan discloses the method of claim 1, wherein the series of data points transmitted by the first continuous broadcast loop comprises a document that may be displayed by a browser program executing at the client data processing

device (Paragraph 0035: media content may be text content, text documents are displayable on a browser).

16. As per claim 8, McTernan discloses the method of claim 1, wherein a second continuous broadcast loop is accessed by clicking on a link displayed by a browser program (Paragraph 0037: plurality of content loops available; Paragraph 0033; requests received from clients via HTTP).

17. As per claim 10, McTernan discloses the method of claim 1, wherein the data points comprise TCP data packets (Paragraph 0033: transfer of data according to TCP).

18. As per claim 11, McTernan discloses a computer system comprising (Fig 1): a memory having stored thereon a World Wide Web content request processing module (Fig 1, item 222); a processor coupled to said memory (Paragraph 0037: memory stores executing application: processor is inherent), wherein upon execution of said World Wide Web content request processing module by said processor (Paragraph 0037: media player application requests content; Paragraph 0033: content requested from web server over Internet via HTTP), generating a method comprising: receiving a data request from a client data processing device (Paragraph 0033; receive requests from client connected to a network); determining whether the data request is associated with a first continuous broadcast loop (Paragraph 0032; determine if server is multicasting the content; if so request translated to a subscription), wherein the first continuous broadcast loop includes one or more data points continuously transmitted in order from a start data point to an end data point (Paragraph 0037; packets transmitted in loop, retransmitting starting from first packet after final packet); retrieving the requested data,

Art Unit: 2154

wherein if the requested data is transmitted via a first continuous broadcast loop, retrieving the requested data comprises opening a use connection to the first continuous broadcast loop; receiving a complete data transmission from the first continuous broadcast loop; closing the use connection to the first continuous broadcast loop (Paragraph 0038); and transmitting the requested data to the client data processing device (Paragraph 0039; packets stored in buffer; Paragraph 0044; packets reassembled and provided to client software application).

19. As per claim 12, McTernan discloses the system of claim 11, wherein the complete data transmission comprises data transmitted through the use connection between a first transmission of a first data point on the first continuous broadcast loop and a second transmission of the first data point, and the first data point may comprise a data point other than the start data point on the first continuous broadcast loop (Fig. 4, Paragraph 0051).

20. As per claim 13, McTernan discloses the system of claim 12, wherein the first data point comprises a flag value (Paragraph 0051: first data packet placed in an index; index used to determine when transmission is complete).

21. As per claim 14, McTernan discloses the system of claim 12, wherein the requested data is read from the continuous broadcast loop by storing the first data point; retrieving one or more data points from the continuous broadcast loop, wherein each data point received is compared to the stored first data point; and closing the use connection when the received data point matches the stored first data point (Paragraph 0051).

Art Unit: 2154

22. As per claim 15, McTernan discloses the system of claim 14, wherein the requested data comprises the retrieved data points, wherein the retrieved data points are arranged in order from the start data point to the end data point (Paragraph 0051: packets concatenated into duplicate of data on server).

23. As per claim 17, McTernan discloses the system of claim 11, wherein the series of data points transmitted by the first continuous broadcast loop comprises a document that may be displayed by a browser program executing at the client data processing device (Paragraph 0035: media content may be text content, text documents are displayable on a browser).

24. As per claim 18, McTernan discloses the system of claim 11, wherein a second continuous broadcast loop is accessed by clicking on a link displayed by a browser program (Paragraph 0037: plurality of content loops available; Paragraph 0033; requests received from clients via HTTP).

25. As per claim 20, McTernan discloses the system of claim 11, wherein the data points comprise TCP data packets (Paragraph 0033: transfer of data according to TCP).

26. As per claim 21 and 22, claims 21 and 22 are rejected for the same reasons as claim 1.

27. As per claim 23, claim 23 is rejected for the same reasons as claim 11.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2154

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McTernan et al. (US Published Application 2001/0034788, hereinafter McTernan) in view of Leighton et al. (US Patent 6,665,726, hereinafter Leighton).

30. As per claim 6, McTernan discloses the method substantially as claimed in claim 5, but does not explicitly disclose, wherein the arranging [of retrieved data points in order] is performed by a plugin program executing at the client.

31. Leighton teaches the use of plugin programs to reassemble packets for delivery to a client application (col. 5, lines 35-38, col. 5, lines 63-66)

32. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McTernan and Leighton because they both deal with reassembling of streaming content for delivery to a client computer. Furthermore, the teaching of Leighton to implement the assembling of content as a plugin to a browser would enable efficient upgrades of existing client computers by allowing the new functionality to be added to existing browser software and would allow using preexisting functionality to navigate and select content for delivery to client computers (See Leighton; col. 4, lines 11-17).

33. As per claim 16, McTernan discloses the system substantially as claimed in claim 15, but does not explicitly disclose, wherein the arranging [of retrieved data points in order] is performed by a plugin program executing at the client.

Art Unit: 2154

34. Leighton teaches the use of plugin programs to reassemble packets for delivery to a client application (col. 5, lines 35-38, col. 5, lines 63-66)

35. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McTernan and Leighton because they both deal with reassembling of streaming content for delivery to a client computer. Furthermore, the teaching of Leighton to implement the assembling of content as a plugin to a browser would enable efficient upgrades of existing client computers by allowing the new functionality to be added to existing browser software and would allow using preexisting functionality to navigate and select content for delivery to client computers (See Leighton; col. 4, lines 11-17).

36. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McTernan et al. (US Published Application 2001/0034788, hereinafter McTernan) in view of Fukasawa et al. (US 6,738,822, hereinafter Fukasawa).

37. As per claim 9, McTernan discloses the method substantially as claimed in claim 1, but does not explicitly teach the wherein the first and second continuous broadcast loops transmit data using HTTP.

38. Fukasawa teaches a conversion server where streamed data is converted to a video format requested by the client, converted into a HTTP message and transmitted to a video client (col. 5, lines 1-19).

39. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McTernan and Fukasawa because they both deal with delivering streamed data to requested by clients. Furthermore, the

Art Unit: 2154

teaching of Fukasawa to modify the method taught by McTernan to use HTTP to transmit broadcast content to a client would allow the content to be received by conventional web viewers eliminating the requirement for special video processing applications on the client (See Fukasawa, col. 9, lines 12-19).

40. As per claim 10, McTernan discloses the system substantially as claimed in claim 11, but does not explicitly teach wherein the first and second continuous broadcast loops transmit data using HTTP.

41. Fukasawa teaches a conversion server where streamed data is converted to a video format requested by the client, converted into a HTTP message and transmitted to a video client (col. 5, lines 1-19).

42. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McTernan and Fukasawa because they both deal with delivering streamed data to requested by clients. Furthermore, the teaching of Fukasawa to modify the method taught by McTernan to use HTTP to transmit broadcast content to a client would allow the content to be received by conventional web viewers eliminating the requirement for special video processing applications on the client (See Fukasawa, col. 9, lines 12-19).

Conclusion

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Method and apparatus for broadcasting World Wide Web content".

Art Unit: 2154

- i. 2001/0047401 McTernan et al. Plugins to reassemble streaming data and browsers to select broadcast content streams.
- ii. US 6,654,809 Hulme et al. Assembling multiple broadcast data streams using indices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LARRY D. DONAGHUE
PRIMARY EXAMINER

IRC

